

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA ROBINSON,

Plaintiff,

v.

WELLS FARGO BANK
NATIONAL ASSOCIATION, et al.,

Defendants.

CASE NO. C17-0061JLR

ORDER GRANTING MOTION TO
EXTEND DEADLINE TO FILE
RESPONSIVE PLEADING

Before the court is Defendants' motion seeking an extension of time to file an answer or responsive pleading to Plaintiff Barbara Robinson's complaint. (Mot. (Dkt. # 6).) The court GRANTS Defendants' motion as described herein.

Defendants filed their motion on January 20, 2017, and properly noted it for the court's consideration on February 3, 2017. (*See id.* at 1); Local Rules W.D. Wash. LCR 7(d)(2) (stating that the moving party may note a motion for relief from a deadline "no earlier than the second Friday after filing and service of the motion"). On the same day, Defendants filed a motion to dismiss Ms Robinson's complaint. (MTD (Dkt. # 7).)

1 Defendants assert that Ms. Robinson either has or “will shortly” file a second complaint
2 in state court, which “appear[s] plainly to involve common questions of law and fact.”
3 (Mot. at 2.) Defendants represent to the court that they intend to remove Ms. Robinson’s
4 anticipated second state court action after it is filed and then consolidate the second
5 action with this matter. (*Id.*)

6 Under Federal Rule of Civil Procedure 12(a)(4), “serving a motion [to dismiss]
7 under this rule alters [the] period” to file a responsive pleading. *See* Fed. R. Civ. P.
8 12(a)(4). Generally, a defendant must file a responsive pleading within 14 days of the
9 court’s denial of the motion to dismiss. *See* Fed. R. Civ. P. 12(a)(4)(A). Thus, the filing
10 of Defendants’ motion effectively deferred the due date of its responsive pleading until
11 such time as the court determines Defendants’ motion to dismiss.

12 Under Local Rule LCR 7(b)(2), “if a party fails to file papers in opposition to a
13 motion, such failure may be considered by the court as an admission that the motion has
14 merit.” Local Rules W.D. Wash. LCR 7(b)(2). Ms. Robinson failed to file a timely
15 response to Defendants’ motion. (*See generally* Dkt.) Accordingly, the court GRANTS
16 Defendants’ request for an extension of time to file an answer or responsive pleading to

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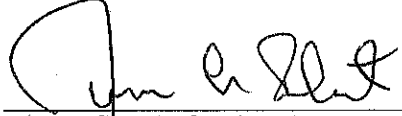
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1 Ms. Robinson's complaint until such time as Defendants' responsive pleading will be due
2 pursuant to Rule 12(a)(4)(A). *See* Fed. R. Civ. P. 12(a)(4)A).

3 Dated this 7th day of February, 2017.

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5 JAMES L. ROBART
6 United States District Judge
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